



ARTHUR H. FORMAN

Attorney at Law

98-20 Metropolitan Avenue
Forest Hills, New York 11375

Tel: 718-268-2616 Fax: 718-575-1600
e-Mail: af@ahforman.com

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #: _____
DATE FILED: 5/7/09

May 6, 2009

MEMO ENDORSED

Hon. Denise Cote
U. S. District Judge
United States District Court
500 Pearl Street, Room 1040
New York, NY 10007

Re: Andrea Pefanis v. Westway Diner Inc.
Case No. 08CV002 (DCL)(DFE)

Dear Judge Cote:

This office represents the defendant, Westway Diner Inc., ("Westway"), in the above referenced action for alleged unpaid overtime and related wage claims. By notice of motion filed on March 13, 2009, plaintiffs have moved to certify this as a class action pursuant to Fed. R. CIV. P. 23. Defendant respectfully request that your Honor extend the time for defendant to respond to the motion from May 11, 2009 to May 26, and to permit plaintiffs to reply by June 9, 2009.

This is defendant's third request. Previously, your Honor extended defendant's time to respond from April 3, 2009 to April 24, 2009, and from April 24, 2009 to May 11, 2009. Maimon Kirschenbaum, the attorney for the plaintiff, has consented to this request. The parties do not anticipate that this request will affect any other scheduling deadlines.

Thank you for your consideration of this request.

Very truly yours,

A handwritten signature in black ink, appearing to read "Arthur H. Forman".

Arthur H. Forman

AHF/ms
cc: Maimon Kirschenbaum, Esq.

Granted. There shall be no
further extension of the
May 26 date.

A handwritten signature in black ink, appearing to read "Hon. Denise Cote" above the date "May 7, 2009".